IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15328 of 2004

Between:

H. Ravi Prakash Reddy S/o. H. Raja Gopala Reddy
R/o. 2A, Seetharam Nilaya, R.C.Road, Bellary, Karnataka State.

..... PETITIONER

AND

1 The Regional Transport Officer & Secretary, Regional

Transport Authority, Anantapur, Anantapur District.
2 The Inspector of Police, M.V. Special Squad, Anantapur,

Anantapur District.
3 The Station House Officer, Rayadurg P.S., Rayadurg,

Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the Respondents in seizing and detaining the Petitioner's Stage Carriage Bus bearing Registration NO. KA-34/4546 pursuant to the Vehicle Check Report No.913 (VCR 438/04) dt.24.8.2004 of the 2nd respondent

as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said Bus to the petitioner herein forthwith.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15328 OF 2004

ORDER:

The petitioner is the owner of a bus bearing Registration No.KA-34/4546. His vehicle was seized by the second respondent on 24-08-2004, after furnishing a check report for non-production of certain documents and non-compliance of permit conditions.

2. The petitioner contends that when the petitioner produced the relevant documents before the first respondent, the vehicle was not released, therefore, he approached this Court seeking to declare that the action of the second respondent in seizing the vehicle on 24-08-2004 is illegal and to release the vehicle for interim custody pending disposal of the writ petition.

3. The question, whether the petitioner is having valid documents relating to the vehicle or not, has to be considered during the enquiry on the check report by the first respondent after production of the documents by the petitioner. If the vehicle is kept idle, it is likely to be damaged.

4 . The first respondent is therefore, directed to release the seized vehicle to the petitioner for interim custody on condition of his depositing Rs.10,000/- with the first respondent and on further conditions that:

(i) the vehicle in question shall not be alienated or transferred to any other person; (ii) the parts or the shape of the vehicle shall not be changed without permission of the first respondent; (iii) the vehicle shall be produced as and when required by the first respondent; (iv) the amount deposited shall be adjusted towards the amount, if any, payable after the finding given by the first respondent regarding the violation of the provisions of the Motor Vehicles Act and the Rules framed there-under.

5. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

27th August, 2004

SKM

Note:

Operative portion

by wire at party's cost.

B/o.

Skm.

TO

1 The Regional Transport Officer & Secretary, Regional

Transport Authority, Anantapur, Anantapur District.

2 The Inspector of Police, M.V. Special Squad, Anantapur,

Anantapur District.

3 The Station House Officer, Rayadurg P.S., Rayadurg,

Anantapur District.

4 Two C.Cs. to G.P. for Transport, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two C.D. Copies.